

BEFORE THE

JUN - 1 1993

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20554

In the Matter of

Amendment of the Commission's
Rules Concerning Maritime
Communications

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PR Docket No. 92-257
RM-7956
RM-8031

COMMENTS OF THE OHIO RIVER COMPANY

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The Ohio River Company ("ORCO"), by its counsel, respectfully herewith submits its Comments in response to the Notice of Proposed Rulemaking and Notice of Inquiry to review the policies and regulations governing maritime communications.^{1/}

I. STATEMENT OF INTEREST

The Ohio River Company engages in the rendition of barge and towing services along the Mississippi River and its connecting waterways. ORCO is one of the largest barge and towing companies serving the inland waterways, operating more than 90 towboats and 2,500 barges. Additionally, ORCO owns and operates public coast Station WCM, an MF/HF carrier located at Cincinnati which provides service to vessels throughout the inland waterways.

^{1/} 7 FCC Rcd 7863 (1992). By order released January 15, 1993, the Commission extended the due date for comments in this proceeding until June 1, 1993, 8 FCC Rcd 416 (1993).

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A. Inquiry.

(i) Automatic Interconnection with PSTN.

ORCO strongly supports the Commission's proposal to permit automatic interconnection to the public switched telephone network and urges that said operations be made available via any and all coast stations.^{2/} Automatic interconnection will permit telephone-style operation, particularly in the ship-to-shore mode, thus facilitating use of maritime radio systems and facilities and the improvement of the efficiency of maritime communications. Cellular carriers and WATERCOM have provided great convenience to the maritime user; and similar operations are expected of satellite carriers, whether through AMSC or a LEO when they become operational.

ORCO does not believe that allowing interconnection will adversely impact safety. There are ample means of distress alerting, including direct dialing the Coast Guard or local authorities, EPIRB signalling, and vessel-to-vessel communications. Failure to allow direct interconnection may result in manually operated VHF stations remaining only in those areas of the waterways where alternative service is not provided. In any event, allowing direct interconnection

^{2/} Notice at ¶ 26.

traffic while allowing cellular and satellite carriers also to serve vessel operators subjects maritime carriers to an ever-decreasing traffic base, which can only result in the demise of the maritime carrier industry. Whether allowing maritime carriers to serve other users, coupled with permitting direct interconnection, will be sufficient to enable maritime carriers to retain a competitive posture is unknown; however, perpetuation of the current unbalanced competitive environment can only lead to the continued demise of the VHF public coast station service.

Relaxation of the restriction on permissible
communications should not be limited to VHF public coast

(ii) Private Land Mobile Use of Maritime Frequencies.

ORCO continues to object to the proposal to permit sharing of maritime frequencies by land mobile interests, and particularly to expanding the proposal from sharing of certain public coast station frequencies to include the sharing of port operations channels.^{5/}

The Commission states that its objective is "to increase spectrum efficiency by allowing private land mobile eligibles to utilize maritime channels in areas far removed

solely for the theoretical objective of improving spectrum efficiency. There must be a real, underlying objective, and that objective must be to satisfy unmet land mobile communications requirements.

To the extent that such requirements may exist, the initiating proposal of the Council of Independent Communication Suppliers ("CICS") and this Notice have been overtaken by the Commission's land mobile "refarming" rulemaking, PR Docket No. 92-235, 7 FCC Rcd 8105 (1992). In that Notice, the Commission proposes to increase land mobile spectrum efficiency through narrowbanding and other operational restrictions, with the result of increasing "the capacity, in terms of number of available channels, of several bands by 300-500%" Id. at ¶ 6. Given the benefits available to the land mobile user community through refarming of the spectrum allocated to it on a primary basis, there simply is no need to subject maritime users to the potential for harmful interference as proposed in the instant Notice. Before the Commission proceeds to endanger maritime operations, and particularly port operations, ORCO calls upon the Commission to ascertain what the actual needs of the land mobile services are for increased spectrum that cannot or will not be satisfied through the "refarming" already proposed by the Commission.

Second, it is indisputable that congestion in the land mobile services is a function of population density. There is no comparison of frequency congestion in New York, Chicago, New Orleans, Houston, Los Angeles, San Francisco, and similarly situated major metropolitan areas with the frequency congestion experienced in Tucson, Albuquerque, Roanoke, etc. An examination of the map reveals one important factor that all of the first-named cities have in common: they all are situated at major ports, and so would be excluded from the sharing proposed in this rulemaking.

The history of the development of the United States is that major metropolitan areas developed along coastlines, lakes and rivers where commerce could be served by waterborne transportation. Certainly, there are land-locked major metropolitan areas, e.g., Denver and Dallas-Fort Worth; and ORCO has no objection to land mobile sharing of maritime frequencies in those areas. Such sharing, however, should be accomplished on the same basis that the land mobile services share frequencies with the television broadcast service, i.e., on a specific geographic basis,^{7/} not in a generic fashion that seeks to crowd land mobile users into narrowly-defined, theoretical service contours.

^{7/} See 47 C.F.R. Section 90.301-317.

The Commission utilizes an engineering concept of the reliable service contour as the basis for its sharing proposal. This may be appropriate for sharing among the land mobile services, wherein licensees share with like users; it is not an appropriate concept for sharing between land mobile and maritime. In the first place, radio propagation is not limited to the reliable service contours of the theoretical propagation models. Second, the proposed sharing entails maritime safety services or maritime common carrier service on the one hand and land mobile commercial operations on the other. It is ironic that the Commission in the Inquiry portion of this rulemaking considers measures to strengthen the public coast station industry, but in the NPRM portion threatens to impose degrading interference on that very same common carrier service.

Significantly, the Commission's proposal to reverse the coast/mobile sequence found in the maritime service for the frequency alignment for the land use promises to impose the maximum interference upon the maritime service. The analysis of the impact of the proposed sharing must be premised upon vessel stations operating at the fringe of the coast station's service contour. Accordingly, with a vessel station and the land mobile base station operating on the same frequency, both frequencies would compete at the coast station's receiver. Given that the land mobile base station

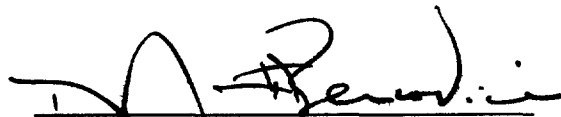
would be transmitting with a tall efficient antenna from a

been proposed by the Commission, and (ii) for use in areas which have not been recognized as suffering from frequency congestion.

WHEREFORE, THE PREMISES CONSIDERED, the Ohio River Company respectfully urges the Federal Communications Commission to

- (i) proceed with rulemaking to implement the improvements in maritime mobile service as discussed above in response to the Inquiry,
- (ii) recognize maritime as a non-dominant common carrier service, and
- (iii) terminate, without action, the proposal for land mobile sharing of maritime frequencies.

Respectfully submitted,



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